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SUBJECT: SUPPORTING HUMAN RIGHTS AND DEMOCRACY: THE U.S.

RECORD IN COLOMBIA 2004-2005

REF: 04 STATE 267453

1. This is in response to reftel request.

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Human Rights Strategy Report  
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2. Although Colombia is a democracy, it has been ravaged by an internal armed conflict financed by drug trafficking and other criminal activities for over 40 years. Illegal paramilitaries and guerrillas have committed numerous human rights abuses, and methods to deal with these threats through the civilian judiciary have been complicated by profound challenges of corruption and a cumbersome inquisitorial justice system. In order to better address these issues and resource constraints, the Government of Colombia (GOC) began a move to an accusatorial system in January 2005 with the hope of strengthening the power of the judiciary, the efficiency at which these cases are handled, eliminating impunity from punishment, and increasing respect for human rights.

3. The 2004-2005 U.S. human rights and democracy strategy for Colombia is both proactive and responsive, tackling the root causes of human rights violations and social unrest while continuing to invest in short-term emergency humanitarian assistance. Key strategic objectives include protection of vulnerable populations, increased access to the justice system, support for judicial reforms and the rule of law, promotion of local governance and peace initiatives, and provision of humanitarian assistance.

4. Working with the Colombian Ministry of Interior and Justice, USAID had provided security protection assistance to 3,701 people and 96 offices under threat as of September 30, 2004. The protection program includes threatened human rights workers, union leaders, journalists, members of the left wing Patriotic Union Party, mayors, city council members and municipal human rights workers. The USAID-funded Early Warning System expanded to 20 regions, allowing it to respond effectively to 195 alerts and potentially preventing massacres, forced displacements, and other egregious human rights violations.

5. In FY 2004, four additional USAID-funded Justice and Peace Houses -- one-stop legal assistance shops ) were established for a cumulative total of 37, thereby increasing access to the justice system for a total of 2.8 million poor and marginalized Colombians. DOJ has developed and implemented a multi-faceted strategy to strengthen the GOC's capability to investigate and prosecute human rights cases, providing Colombian judicial police investigators, forensic examiners, and prosecutors with the necessary training, technical assistance, and equipment to enhance and upgrade their individual skill levels. The strategy employs a task force concept, whereby personnel from 11 satellite Human Rights Units in the Prosecutor General's Office train and work together, resulting in a more effective case flow from the initial criminal investigative stage through final case resolution. In 2004, the Office of the Prosecutor General conducted major operations against guerrilla and paramilitary criminal organizations, bringing charges for murder, assault, extortion, and drug trafficking. In 2004, DOJ trained 840 police assigned to rural outposts with little or no previous police presence; trained 400 police in accusatory system/oral trial techniques; and trained 172 prosecutors, judicial police, and judges in trial advocacy. Also in 2004, specialized training and state of the art equipment donations enabled Colombian forensic labs to investigate human rights violations more effectively. This included the enhancement of DNA analyzers and the CODIS database; upgrading of the Integrated Ballistics Identification System (IBIS); updating of forensic imaging and document analysis systems; upgrading of the automated fingerprint identification system; and the design and installation of a wireless network providing inter-agency connectivity and information sharing. In addition, at the request of Prosecutor General Osorio, DOJ conducted polygraphs of 78 Fiscalia officials in July. The Prosecutor General's Office imposed this requirement to combat corruption in the organization. Polygraphed officials included office directors, senior prosecutors, and members of

the anti-narcotics, anti-kidnapping, and anti-corruption units, all of which received USG assistance.

16. USAID's Peace Program underwent significant change and growth in 2004. While it continued to support civil society initiatives to promote peace and conflict resolution, the program also developed a working relationship with Colombia's new High Commissioner for Peace to design and implement initiatives to support peace negotiations with illegal armed groups. As negotiations began between the Colombian government and paramilitary groups, USAID provided advice regarding policy and programmatic parameters for a possible demobilization initiative. Also in conjunction with the High Commissioner and Ministry of Interior and Justice, USAID established Peaceful Co-Existence Centers in seven of the most conflict-ridden municipalities in Colombia. These centers provided communities with a neutral space for dialogue, conflict resolution and social services.

17. USAID's Local Governance Program, which works to improve the capacity of municipal governments to involve citizens in local decision-making, provide services, and manage resources effectively and transparently, supported the establishment of 210 social infrastructure projects in 89 municipalities. These projects were administered through local citizen oversight committees that established project priorities and oversaw their management and financing. In addition, USAID successfully completed a nationwide public awareness anti-corruption campaign that reached six million citizens through radio, newspaper, and television messages, and standardized internal control units in nineteen government agencies.

18. DOJ and USAID worked to help reform Colombia's criminal justice system in an effort to accelerate the legal process. DOJ assisted the GOC in drafting a new criminal procedure code to move the system towards an accusatorial system. The Colombian Congress has approved the draft code, and it has been used since January 2005 in Bogota and the districts of Manizales, Pereira and Armenia (Coffee Region). DOJ and USAID organized joint accusatory trial technique courses for judges, prosecutors, police, defense attorneys, and investigators. DOJ funded visits for judges and legislators to observe the accusatory system in practice in Puerto Rico. DOJ also implemented an instructors' course at the Prosecutor General's training facility, which trained instructors to conduct their own courses in forensic specialties, basic investigative skills, trial techniques, interview techniques, and crime scene management. For the period 2004-2006, DOJ and USAID will assist the GOC in providing training to approximately 3,000 prosecutors, 1,000 judges, 10,000 police investigators, and 1,500 defense attorneys. In cooperation with the Colombian Justice Sector High Level Commission, USAID has built 35 trial courtrooms to complement the shift towards an accusatorial system.

19. Although NGO statistics indicate kidnappings have dropped approximately 42 percent in 2004, kidnapping remains a significant problem in Colombia. DOJ assisted the Government of Colombia in developing and implementing a comprehensive program to investigate and prosecute kidnapping and extortion offenses. Six courses in the areas of Human Resources Intelligence Management, Racketeering Enterprise Investigations, Kidnapping and Ransom Investigations, and Interviewing and Interrogation were held for 180 law enforcement, prosecutorial, and military personnel. The intimidation of witnesses and judicial sector personnel is also a serious problem. DOJ provided training and equipment for GOC protective force personnel in both the witness and dignitary protection areas, including personnel from the Bogota mayoral and other GOC ministerial security details.

110. The rate of displacement of people due to armed conflict has fallen sharply, but the internal conflict in Colombia has displaced over 2 million people since 1995. The State Department's Bureau of Population, Refugees and Migration is funding seven international organizations (IOs) and NGOs in Colombia that provide emergency humanitarian assistance such as food, temporary shelter, hygiene & household kits, psycho-social counseling, health care and temporary employment to newly displaced persons. USAID is also providing mid- to long-term assistance to displaced persons through seven IOs and NGOs, focused on economic reintegration of displaced persons where they reside, and a smaller but significant returnee component. Program activities include productive projects, micro-credit programs, vocational training and job placement, health care, shelter, income generation, improved education, and basic community infrastructure.

111. Although labor union-related homicides and kidnappings in 2004 were lower than in previous years, violence against labor union leaders and activists continues to be a serious problem. Through a grant from DOL, the AFL-CIO's Solidarity Center provided U.S.-based training and technical education to nearly 40 Colombian trade union leaders who were under threat. DOL also funded an International Labor Organization

(ILO) project designed to improve labor relations and generate quality employment for women. A second DOL grant provided funding to the ILO's International Program for the Elimination of Child Labor (IPEC). In 2004, nearly 3,000 or more children left their work in low-tech open-pit mines under an IPEC-funded pilot project. However, the project was closed at the end of FY 2004. A new education project began at the end of FY 2004 titled &Combating the Worst Forms of Child Labor Through Education in Colombia.<sup>8</sup> The project aims to assist at-risk youth employed in the cut flower sector in Colombia. These youth are almost entirely employed in small family businesses producing flowers for local sale. The majority of these children are victims of poverty, and in many cases, parents are convinced that survival requires the economic contribution to the family. Eliminating this form of child labor requires working with the entire family to get the children to school.

¶12. This cable does not include the GOC,s own effort to address the problems cited.

¶13. Addendum: USG-Funded Human Rights and Democracy Programs in Colombia (in U.S. Dollars)

¶A. USAID Programs (FY 2004)

Administration of Justice

-- Development and Strengthening of Criminal Justice System: 2,216,408  
-- Institutional Strengthening and ADR Mechanisms: 3,347,964  
-- Improved Capacity of Criminal Justice Sector: 235,102  
-- Monitoring and Evaluation: 130,450

Human Rights

-- Prevention: 1,041,999  
-- Protection: 1,883,363  
-- Response: 3,287,094

Local Governance

-- Grants and Subcontracts: 1,215,417  
-- Social Infrastructure Projects: 2,491,599  
-- Technical Assistance and Training: 755,818

Transparency

-- Improve Internal Controls: 600,000  
-- Strengthen Citizen Participation: 1,000,000  
-- Promote Civic Responsibility and Ethnic Groups: 1,200,000

Peace Initiatives

-- Co-Existence Centers: 2,000,000  
-- Grants: 3,118,000

Displaced Persons Programs (grantees)

-- PADF (5 years): 39,216,000  
-- IOM (5 years): 49,854,069  
-- UNICEF (3.5 years): 2,750,000  
-- UNHCR (2 years): 276,000  
-- Profamilia (5 years): 10,750,000  
-- World Food Program (3 years): 5,100,000  
-- Cooperative Housing Foundation, Int,l (3 years): 16,715,775

¶B. Department of Justice Programs (Total Obligations through 9/30/04)

-- Establish Human Rights Units in Colombian National Police and Prosecutor General's Office: 22,445,480  
-- Criminal Code Reform: 999,398  
-- Prosecutor Training: 3,497,729  
-- Anti-Kidnapping Strategy: 755,095  
-- Judicial Police Training: 2,773,587  
-- Witness Protection and Judicial Security: 8,262,805  
-- Multilateral Case Initiative: 2,777,348

¶C. Bureau of Population, Refugees and Migration (grantees)

-- International Committee of the Red Cross: 9,579,233  
-- UN High Commissioner for Refugees: 1,400,000  
-- World Food Program: 1,500,000  
-- Pan American Health Organization: 512,000  
-- Cooperative Housing Foundation, Int,l: 6,311,311  
-- American Red Cross: 1,553,738

¶D. USDOL Programs (grantees)

-- AFL-CIO Solidarity Center Training and Technical Education Program: 1,700,000  
-- ILO Labor Relations Project: 2,000,000  
-- ILO-IPEC Mining Project: 220,000  
-- ILO-IPEC Education Project: 3,500,000

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